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September 25, 2009

Santa Barbara City Clerk
735 Anacapa Street
Santa Barbara, CA 93101-2203

Re: 617 Bradbury, Santa Barbara, CA 93101 – MST 2007-00559
Appeal – Planning Commission's September 17, 2009 Decision

To Whom It May Concern:

This letter is to request an appeal to the Planning Commission decision on Thursday, September 17, 2009 and:

1. Uphold the July 15, 2009 Staff Hearing Officer's ("SHO") Resolution 062-09 with findings to approve the application on the above referenced mixed use development with finding to support a Modification and Tentative Subdivision Map
2. Uphold the June 11, 2009 and the July 9, 2009 Staff Hearing Officer Report Staff Reports recommendations of the both the Senior Planner and the Assistant Planner
3. Uphold the June 29, 2009 Architectural Board of Reviews ("ABR") findings for architectural style, neighborhood compatibility and mass, bulk and scale.
4. Support City Planning staff's work with applicant over the past 2 ½ years to produce a project that complies with all current Zoning Ordinances and the future General Plan Updates.
5. Overturn the Planning Commission's September 17, 2009 determination.

Project Description:

The project consists of the demolition of an existing 392 SF single family residence and the construction of a sustainable, 5,488 square foot mixed-use development. The proposal will result in two commercial condominiums (a total of 998 SF) located on the first and second floors (19'-0"), two 1,506 SF residential condominiums 55'-6" from the front property line at the rear of the building on the second and third floors (Parapet is 29'-8") and on-grade parking structure. The proposal consists of 2,015 SF of green roof and upper level landscape planting. Two bicycle parking spaces and a changing room are provided on-site.

The project is a modest development in the downtown corridor on a C-2 lot, conforms to the City's zoning and Building ordinances and policies of the General Plan. The sizing and massing of the project were deemed compatible with the surrounding neighborhood by staff, the ABR and the SHO and well below the permitted 60' permitted by code or the 40' height proposed by Measure B.

The project is not located in the El Pueblo Viejo Landmark District nor the Brinkerhoff Landmark District.

Applicant requested one modification to allow the required common open area to be located in the front yard and/or smaller than the required dimensions. The project exceeds the size requirements for the Common Open Space (333.25 SF proposed if the walkway is included and 258 SF if the walkway is not included. Both dimensions exceed the 225 SF required) but does not meet the location requirements due to conflicting interpretation of the ordinance ("frontyard" setback—none required in a C-2 zone vs. "frontyard"). Although other solutions were considered that would result in the project that did not require a modification request, it was determined by ABR, staff and SHO that locating it on the roof would reduce the ability to achieve a sustainable building that includes green roofs and solar panels and negatively impact the design resulting in additional mass being brought forward to the street and would not allow all users of the building to commonly use the open space as intended by ordinance.

The project was appealed to the Planning Commission on September 17, 2009 who overturned SHO approval disregarding staff recommendations and ABR findings. Applicant has followed the rules, worked closely with staff, ABR and SHO over the past 2 ½ years on a sustainable project designed by reputable LEED architects. The project is compatible with the ordinances and policies of the City of Santa Barbara and based on sound planning. Applicant appreciates the opinions of the neighbors and people in opposition, but believes the project should be approved based on fact not opinion. Here are some of the relevant facts for this project:

As stated in the Staff Hearing Office Report, this proposed project warrants approval based on the following:

- "The modification is consistent with the purposes and intent of the Zoning Ordinance because a useable common open space is provided in a location found to be acceptable by ABR, and each of the residential units is being provided with more than double the required private outdoor living space. ...mass, bulk and scale has been found appropriate by the ABR."
- "Tentative Subdivision Map is consistent with the City of Santa Barbara's Zoning Ordinance and General Plan...proposed use is CONSISTENT with the vision for the West Downtown neighborhood of the General plan."
- "...project complies with all provisions of the City's Condominium Ordinance..."
- "...project is found consistent with the policies of the City's General Plan including the Land Use and Housing Elements... [and] will provide residential development that is compatible with the surrounding neighborhood."
- "...[ABR] found the architecture and site design appropriate."

Exemplary Design MERITS of this project include:

- LEED Platinum Certification
- Built Green Santa Barbara Participation
- Exemplary use of green roofs and solar energy
- Setbacks on all sides in a zero-lot line district-2'-6" at ground flr. up to 7' at 2nd flr.
- Ample setbacks at the sidewalk
- Height Limit is 60'. This building is designed to 29'-8". Complies with upcoming Measure B height reduction of 40'

- All parking proposed onsite... cars hidden from view. Additional parking provided to reduce impacts on parking stressed street.
- Required 225sf of Common Open Space exceeded by 126sf on site - **351sf Provided**
- Required 84sf of Private Outdoor Living Space exceeded by 160sf/unit - **254sf Provided**
- Required 10% of lot Open Space exceeded by 7% - **17% Provided**
- Storm Water retention and natural filtering done onsite
- Appropriate Mixed-use project for transitional street/neighborhood. Use is consistent with commercial and multi-family buildings found on both sides of the street.
- "Pedestrian Friendly" approach to the sidewalk
- Architectural Styling appropriate to the structures located on street and within neighborhood
- Upper level massing set back almost half the lot the depth
- Third story massing minimized to 1500sf.
- 21'-3" (42%) building frontage at sidewalk setback 3'-6"
- Remainder of building setback 22'-6" from sidewalk

Thank you for your consideration.

Sincerely,



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